

A
COPY
OF THE
PETITION

OF
Owner, &c.
WILLIAM FREEMAN, Esq;

In behalf of Himself and Others,

AGAINST

Col. Christopher Codrington

Governour of the Leeward Islands.

Presented to the House of Commons the 19th.
of February, 1701. With some Remarks
thereon.

Printed in the Year, 1702.

A

of the Hon. the
Members of the
Parliament of Great Britain
PETITION



WILLIAM P. WILKINSON
in behalf of himself and others
against
the
Col. G. W. Wilkinson
Governor of the New York Islands

Filed to the House of Commons the 1st
of January 1852. With some Remarks

Printed in the Year 1852.

To the Honourable the Knights, Citizens and Burgesſes in Parliament Aſſembled.

The humble Petition of *William Freeman*, Eſq;
In behalf of himſelf and Others.

Shew,

That your Petitioners were Owners and
Poſſeſſors of ſeveral Plantations and
Tracts of Land in the Charibbee Is-
lands in America, and were in quiet
and peaceable poſſeſſion thereof when Col. Criſto-
pher Codrington, the preſent Chief Governour and
Captain General of the ſaid Iſlands arrived there.

That thereupon by ſeveral of his Miſgovernments
and Illegal Proceedings (which your Petitioners
humbly crave leave to lay before this Honourable
House, and which are to this their Petition annex-
ed) your Petitioners are not only diſpoſſeſt of a great
part of their ſaid Eſtates on thoſe Iſlands, but alſo
thoſe other Eſtates they ſtill hold are thereby made
precarious, and in danger to be taken from
them.

That moſt of the ſaid Miſgovernments and Pro-
ceedings, have for ſome time by reference from his
Majeſty

(2)

*Majesty lain before the Lords Committees of Trade
and Plantations without redress.*

Whereupon your Petitioners with all hu-
mility make this their application to
this Honourable House,

And most humbly pray, That your
Honours will be pleased to take
the same into your great Con-
sideration, and give your Peti-
tioners such relief in the Premi-
ses as to your great Wisdoms
shall seem meet,

And your Petitioners shall
ever pray, &c.

William Freeman.



To

TO the foregoing Petition there is an Accusation of Fifteen Articles annexed, Ten whereof are the Complaint of *William Mead* Esq; and to which he himself is the only material Witness, *viz.* the 1st. 2^d. 3^d. 4th. 5th. 6th. 7th. 11th. 12th. and 13th. Articles, and two of them, *viz.* the 8th. to which also Mr. *Mead* is the only Witness and the 9th. for which no proof is offered, are the Complaint of Mr. *Freeman*, for the 10th. no proof is offered, and for the 14th. and 15th. nothing Material; so that Mr. *Mead*, who is evidently the chief, if not the only other Petitioner with Mr. *Freeman*. is also the only material Witness to support the Accusation.

Some Account of the Complaint of Mr. *Freeman* and Mr. *Mead* to his late Majesty in Council, and the Proceedings thereon.

I. **T**Here were four Petitions prefer'd against Col. *Codrington*, to his late Majesty, by Mr. *Freeman*, Mr. *Mead* and Mr. *Shipman* in behalf of himself, his Wife, and as Guardian of one *Thomas Harvy*, a Minor, and Colonel *Norton*, which by order in Council dated the 18th. of
December

December 1701. were refer'd to the Lords Commissioners for Trade and Plantations.

2. The Petition of Colonel *Norton*, which mentions several hardships, was declin'd by those who prefer'd it, and the Correspondent of the said *Norton*, did declare to their Lordships, that he neither was nor would be concerned therein.

3. The Petitions of Mr. *Mead* and *Shipman* were to the same effect, relating to a Plantation in the Island of *Nevis*, of which Mr. *Mead* had been Tenant, in possession, and the said *Shipman*, his Wife and *Harvy*, concerned in the Reversion; which said Plantation had been recover'd at Law by one *Thomas Herbert*, and from which Judgment Mr. *Mead* had appeal'd. The Prayer of his Petition was to be restor'd to the possession of the said Plantation before the hearing of his Appeal, on pretence that Colonel *Codrington* designedly delayed him therein.

4. Mr. *Freeman's* Petition related to a Plantation in the Island of *St. Christopher's*. of which he complained to have been dispossessed by two pretended Justices of the Peace, on pretence of a Conviction of a forcible Detainer, and that Colonel *Codrington* instead of giving his Agents redress on their Application to him, had taken

taken possession of the Plantation himself, and the Prayer of his Petition is to be restored thereto. The 9th. Article of the Accusation annexed to the foregoing Petition, relates to this complaint, but therein the Petitioners have thought fit to say nothing of Colonel *Codrington's* taking possession of that Plantation, nor is there any proof offered even for what is there said.

5. The said Complaints were heard by the Lords Commissioners for Trade and Plantations with all Expedition, and no delay given therein, but what was in favour of Mr. *Mead*, the hearing having been twice put off, once on account of his own, and a second time on account of his Council's illness. The first hearing on Mr. *Freeman's* Complaint was the 30th. of *December*, and the second hearing the 6th. of *January*, and the hearing on Mr. *Mead's* Complaint was the 13th. of that Month; and whatever they thought fit to offer as evidence, viz. Depositions taken *ex parte*, Letters and Certificates were by their Lordships allow'd to be read; and on the 5th. of *February*, 1701. their Lordships made a very full report on Mr. *Freeman's* Petition, and on the 13th. of that Month on the Petitions of Mr. *Mead* and *Shipman*; pursuant to which his late Majesty's orders were given in Council; and by these it will appear

appear that as yet nothing further could by Law or was reasonable to be done.

6. For as to Mr. *Mead*, was it fit according to the prayer of his Petition, to restore him to the possession of a Plantation recoved by Judgment at Law, before the hearing of his Appeal to his Majesty in Council? When notwithstanding his allegations of delay, it did appear in Fact that the Appeal to Col. *Codrington* and the Council of *Antego* from the Judgment at *Nevis* had been heard the 6th of September 1701, the first Judgment affirmed, and an Appeal home crav'd and allow'd, and which Mr. *Mead* does now acknowledge he has receiv'd; and as to the speedy hearing of his Appeal, there cannot be a more favourable direction, than that which is given in the said Order.

7. And as to Mr. *Freeman's* Complaint, supposing it had been as it was not prov'd, yet certainly his Majesty could not by Law grant the Prayer of his Petition; for that had been to determine in a matter of Property on the hearing only of one side, and that too in a Cause which, according to the usual methods of the Council Board, was not judicially before them on a regular Appeal; but as to the injuries complained of by Mr. *Freeman*, Co'onel *Codrington* is requir'd not to give any obstru-

obstruction to such legal proceedings as shall be pursu'd for redress of the same ; and in case of an Appeal from the Courts of the Leeward Islands, the Defendant as well as the Plaintiff, (which is more than the standing Instruction relating to Appeals enjoyns) are requir'd to give Security to answer all Damages, and to abide his Majesties award ; And can what relates to the properties of the said persons in the matters complained of be put in a fairer or more just method of Examination.

8. And as to the Objections particularly made against Colonel *Codrington's* Conduct, the Complaints are ordered to be transmitted to him, and he to give his speedy answer thereto ; which has been the constant method in cases of this kind, and founded on the highest Equity and Justice : That a fair opportunity of defence should be first allow'd, before a censure pass to the disadvantage of any person.

9. That upon the whole, 'tis evident that Mr. *Freeman* and Mr. *Mead* have not been delay'd, nor deny'd any legal or reasonable redress, either by the Commissioners for Trade and Plantations, or by his late Majesty and Council ; and have hitherto on that account had no occasion to complain in Parliament.

*An Objection against Mr. Mead's
Testimony.*

IF by delay or denial of redress in the usual course of Justice, the Petitioners were driven to seek for it in Parliament, their allegations will have credit no farther than supported by legal and unexceptionable Evidence, which in the present case is intirely wanting, there being no material witnesses to any part of the Articles which affect Col. Codrington but Mr. Mead alone; and Party and Witness in the same Cause can never be thought consistent with any rules of Justice.

2. There was no legal exception against his being examined as a Witness, because the Petition and Articles being in general terms, it could not before his Examination appear whether he was a Petitioner or not; and 'twas Possible he might have given evidence in proof of the Articles in instances wherein he himself was not concerned; But since on his Examination it appears that he is one of the Petitioners, tho it did not prevent 'tis sufficient to lay his Evidence aside.

3. Had

3. Had the Petition been prefer'd only in Mr. *Freeman's* name, the great concerne in point of Interest, which Mr. *Mead* has in so many of the Articles, would even in that case have much lessen'd the value of his Testimony ; but being actually a Petitioner, and praying relief, his Testimony by Law is intirely void an null.

4. And that he is a Petitioner can scarce be controverted, after comparing the petition and the Articles it refers to with the evidence he has given ; by which it manifestly appears that he is one of those others, almost the only other, in whose behalf the Petition is prefer'd ; and indeed if he be not, it must be acknowledged that the injuries complained of in the greatest part of the Articles are done to no body ; nay for the principal complaint of the Petition, and the only which is expressly and with out reference to the Articles mentioned therein, viz. the dispossessing the Inhabitants of their Plantations, there is no evidence offered at but in the instances which relate to Mr. *Mead*.

At the Court at *Kensington*, the 5th of *February* 1701. Present the King's most Excellent Majesty in Council.

UPon Reading this day at the Board a Report from the Lords Commissioners for Trade and Plantations, in Obedience to an Order of this Board of the 18th of December last, upon the Petition of William Freeman, Esq; complaining of proceedings in the Island of St. Christophers, relating to the Plantation called the Mannor of Goodwin, which complaint seeming to be chiefly directed against Colonel Codrington his Majesties Governour in Chief of the Leeward Islands, it is thereupon ordered by his Majesty in Council, That Copies of the Petition, Order and Report abovementioned be forthwith transmitted to Colonel Codrington, who is to return his answer thereunto to this Board with all convenient speed, and he is hereby also required not to give any obstruction directly or indirectly by himself or others to such legal Proceedings, as the Petitioner shall have recourse to, for the redress of the injury that he

con-

conceives to have been done him, by the actings of the two pretended Justices of the Peace of the said Island, mentioned in the said Report, or otherwise in relation to the Plantation in Question.

And it is further ordered by his Majesty in Council, that in case the parties concerned, or any of them shall think themselves aggrieved by any Sentence past in this matter in the proper Courts of Justice in the Leeward Islands, they are not to be hindred from appealing to his Majesty in Council, care being taken that as well the Defendants as Appellants do give sufficient Security to abide by his Majesties Determination to answer all Costs and Damages that may have accrewed, and shall be awarded against them.

AT

At the Court at *Kensington*, the 19th
of *Feburary* 1701. Present the
Kings most Excellent Majesty in
Council.

UPon reading this day at the Board a Report from the Commissioners for Trade and Plantations, in obedience to an Order of the 18th of December last upon the Petitions of William Mead, Esq; and of William Shipman Gentlman and Mary his Wife, and Tho. Harvy a Minor by the said William Shipman his Guardian complaining of proceedings in the Court at Nevis, relating to two Plantations call'd Harvy's Plantations, his Majesty is pleas'd to approve of the said Report, and accordingly to order that the Petitioner William Mead do lay before his Majesty in Council the Appeal mentioned in the said Report to be granied as soon as may be, in order to his Majesties Determination in Council therein, which being done, his Majesty will be graciously pleased to Direct that a day be appointed for hearing and determing the same.

And

(13)

And in relation to Col. Codrington's Conduct in This matter, It is farther ordered by his Majesty in Council, That Copys of the aforesaid Petitions be immediately transmitted to him, and that he return a speedy answer thereunto, to this Board, and also, that he take all possible care that the Petitioner be not upon any account prejudiced by any forceable or irregular Proceedings.

FINIS